



**U.S. Department of Justice**

*United States Attorney  
Eastern District of California*

---

*Federal Building, Room 3654  
United States Courthouse  
1130 O. Street  
Fresno, California 93721*

*559/498-7272  
Fax 559/498-7432*

For Immediate Release  
September 20, 2001

**TURLOCK DAIRY AND DAIRYMEN INDICTED FOR WATER POLLUTION**

FRESNO--United States Attorney John K. Vincent announced today the indictment of a Turlock Dairy and its two operators for illegally discharging dairy waste into waters of the United States. The defendants, Hibma Dairy Inc.; Jack Allen Hibma, 47; and Nicholas Alan Hibma, 23, of Turlock, California, the owners and operators of Hibma Dairy also in Turlock, were indicted for violating the Clean Water Act by illegally discharging dairy manure-contaminated waste.

According to the indictment, the defendants are charged with the illegal discharge of dairy manure contaminated waste-water on February 14, 2001. The waste consisted of organically-polluted waste water and solids contaminated with urine, feces, and wash water. It allegedly flowed off the property into the High Line Canal which is a tributary to the Merced River. The defendants are charged with one count of illegal discharge of pollutants into the waters of the United States under the federal Water Pollution Control Act, commonly called the Clean Water Act (CWA). The individual defendants face a potential sentence of 3 years in prison and a fine of \$250,000 on each count, and the corporation faces a potential fine of \$500,000.

The Indictment alleges that Hibma Dairy was cited in March of 1998 by the United States Environmental Protection Agency (EPA) for various violations including not having adequate lagoon size in relation to the size of the herd, having a full lagoon in need of dredging, and an inoperable wastewater pump. According to the Indictment, the EPA ordered Hibma Dairy to correct those violations and not to discharge any polluted waste water off-site, and to notify the EPA if it did. Allegedly, no notification was made for the February 14, 2001 discharge.

The charges are only allegations and the defendants are presumed innocent until and unless proven guilty beyond a reasonable doubt.

This case originated from the activities of the North Central Valley Dairy Waste Enforcement Task Force which meets in Modesto and consists of federal and state prosecutors together with representatives of federal, state, and local agencies responsible for investigating water pollution by dairies. This case was investigated by the State of California Regional Water Quality Control Board and the California Department of Fish and Game with the assistance of the United States Environmental Protection Agency, Criminal Investigation Division. The case is being prosecuted by Assistant U. S. Attorney Richard J. Cutler in the Fresno office of the United States Attorney for the Eastern District of California.

###